

United States District Court

NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA

v.

FRANCISCO "Paco" MENDEZ-OROZCO
(ADDRESS UNKNOWN)

CRIMINAL COMPLAINT

CASE NUMBER: 01-

01-3023M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 3, 1999 in WRIGHT county, in the

Northern District of Iowa defendant(s) did, (Track Statutory Language of Offense)
did encourage and induce an illegal alien to come to, enter, and reside in the United States, knowing or in reckless disregard of the fact that coming to and residence in the United States would be in violation of law.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iv)

I further state that I am a(n) INS Special Agent and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached sheet and made a part hereof: Yes No



Signature of Complainant

Sworn to before me and subscribed in my presence,

12-17-2001

Date

PAUL A. ZOSS
U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

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SIOUX CITY, IOWA

City and State



Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

1. Affiant is a Special Agent with the Immigration and Naturalization Service (hereafter INS), Department of Justice, Omaha, Nebraska with approximately nine years of experience with the INS, duly authorized according to law and at the time of the events herein was acting in his official capacity.
2. On April 25, 2001, Special Agent Randy Luukkonen interviewed one Oscar SALGADO-Izquierdo following his arrest by Agents at the DeCoster egg production facility for being present in the United States illegally on April 24, 2001. SALGADO stated that in April of 1999 a supervisor by the name of Paco hired him and told him that he would be working under the name of Genaro CASTILLO. SALGADO stated that Paco would charge people \$200 for an application and that he would already have names and social security numbers for people to work under. SALGADO stated that he later obtained documents in the name of Genaro CASTILLO so he was able to cash his checks.
3. On October 18, 2001, this Affiant along with Special Agent Henry Anton interviewed one Francisco "Paco" MENDEZ-Orozco. During this interview MENDEZ stated that he had sold applications to a few people. MENDEZ stated that he would sell a name and social security number that was already on file at the office to people for \$300. MENDEZ stated that he had sold the name of Genaro CASTILLO to Oscar SALGADO for \$300.
4. On August 3, 1999, pursuant to a court ordered Title III wire intercept, a phone conversation was recorded in which Francisco "Paco" MENDEZ-Orozco was speaking with an individual only identified as Calixto. During this time INS Agents were operating in a high visibility manner creating concern among the illegal alien population about being out in public in the Clarion, Iowa area. During this conversation Calixto and MENDEZ were discussing how the illegal alien workers were going to get from one work site to another without being apprehended by the INS. MENDEZ indicated that Orlando (MELENDEZ-Macias) was going to lend the workers his car so they could move from work site to work site. Calixto asked MENDEZ, "Ya arreglo Orlando?" which literally translates to, "is Orlando okay, already?" Taken in this context this phrase means is Orlando's INS status good. MENDEZ replied that "no, that man is crazy".
5. On May 17, 2000, MELENDEZ was interviewed in the Webster County Jail by Special Agent Brent Wiese and determined to be an alien illegally in the United States. MELENDEZ was subsequently deported from the United States on June 21, 2000.
6. On November 28, 2001, this Affiant along with Special Agent Ricardo Rocha interviewed MELENDEZ. During said interview MELENDEZ stated that he was a crew chief at the DeCoster egg production facilities supervised by MENDEZ in 1999 and recalls illegal aliens sleeping in the egg production facilities at that time to avoid arrest by INS Agents.

7. On August 3, 1999, pursuant to a court ordered Title III wire intercept, a phone conversation was recorded at approximately 8:40 am in which a female identified only as Berta called the residence of MENDEZ and spoke to one Oscar "Poncho" GUTIERREZ-Rosas. Berta asked GUTIERREZ if he had been to work and GUTIERREZ responded that he had not because INS was still in the area. At approximately 5:48 pm another phone conversation was recorded in which MENDEZ called to his residence and spoke with one Nancy MENDEZ. DURING this conversation MENDEZ directed his daughter (Nancy MENDEZ) to tell GUTIERREZ that he could go home once it got dark as INS was no longer in the area.

8. On April 25, 2001, Special Agent Matthew Archer interviewed GUTIERREZ following his arrest by Agents at the DeCoster egg production facility for being present in the United States in violation of the terms of his admission on April 24, 2001.

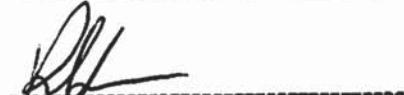
9. Title 8 USC 1324 (a)(1)(A)(iv), essentially states that any person who encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law.

10. Based on my training, experience and the totality of the facts as stated above, this affiant concludes that there is probable cause to believe that Francisco "Paco" MENDEZ-Orozco has violated Title 8 USC 1324 (a)(1)(A)(iv).



David K. Sullivan
Special Agent
Immigration & Naturalization Service

Sworn to and subscribed before me
On this 17th day of December



United States Magistrate Judge